

Alan Thomas

By "Fitzi the dog"

1. Background.

I was first introduced to Alan Thomas around 1985 or 1986, by a work college.

Mr Thomas owned a business which, among its many activities included spraying rigid urethane foams. My work college had many discussions with Mr Thomas and his partner about projects they were working on. In 1987 an overseas technician from our company visited Mr Thomas's company for technical discussions, and I was involved in the debrief of this visit.

I recall a background check being done on Mr Thomas's business and it was discovered it was not legally incorporated, and so Mr Thomas's company was refused an account.

During 1987 / 1988 a large part of my work was taken up keeping tabs on small companies, as we were losing about 8 or 9 of our customers every month through bankruptcies. It is my recollection that in about 1987 Mr Thomas went bankrupt, put into bankruptcy by his ex wife, causing his business to be placed into liquidation and all his assets seized.

The last I heard of Mr Thomas for some time was in 1989 is that he was back at his old trade working as a fitter / toolmaker for Trigon Plastics in Te Rapa, working on a machine that I think Trigon had bought from the receivers. In about September 1989 Bill Foreman, owner of Trigon had got so pissed off with Mr. Thomas he got fired.

Early in 2007, when I met up again with Mr Thomas on ACCforum and spoke with him on the phone, I recounted my recollections of him above, and they were confirmed by Mr Thomas.

Evidence to cross reference personal recollections.

Source	Records	Relevance
Company Office Records	Advanced Manufacturing Ltd. Company # 354587	In liquidation: 9 July 1987 Struck off: 17 December 1991.
KPMG Peat Marwick	Liquidation accounts AMS	Will show if Mr Thomas earned any money as self employed in 1989.
IRD	AMS IR3 / 5 records	Did Mr Thomas earn as self employed as claimed?
	P.A.Y.E records for Mr Thomas	(a) Wages received by Mr Thomas 1989, from Trigon, year prior to alleged accident (b) PAYE taxpayer so not self employed!
Official Assignee	Bankruptcy records, Mr Alan Gordon Thomas	Dates of bankruptcy and release (1987 to 1992?)
Trigon Plastics	Wage book	Date of termination of employment. (3 rd October 1989)
Mr Bill Foreman	Owner of Trigon	Confirm Mr Thomas a wage earner / not part of his business.

2. ACC Fraud Investigations

The fraud investigation into the affairs of Mr Thomas was conducted by Mr. Martin Williscroft, senior examining officer for ACC, and Mr. Robert Cheetham, investigator for ICIL, now known as Paragon Risk. My own experience and the files I have been given of other investigations carried out by these two, show that these two make the Keystone cops look like the "Professionals".

In my own case Williscroft and Cheetham spent 12 months running around assuming and trying to prove business transactions where a company received hundreds of thousand of dollars must be "Fraud"; where they only had to check the company records, which showed the transactions had been accounted for in company accounts, and the company had paid tax on the subsequent profit. Furthermore, it is from my IR5 tax declaration and ACC levy that my ERC is assessed, not income that may or may not have been received by a company in which I had a minor shareholding.

While my ACC file was in the custody of Mr Williscroft, Company accounts and tax certificates previously provided to ACC were "removed" from the file, and were not in the bundle forwarded to the Crown solicitors when asked to give a legal opinion on the case.

In my interview with Williscroft and Cheetham, they did not comprehend or were not aware of issues such as company minute books, tax certificates, filing of annual returns, or company and taxation law or procedures. I am currently "baiting" ACC to prosecute me so I can nail Williscroft for "spoliation"

In another case, a claimant was investigated by Williscroft and Cheetham, charged and tried in the District Court for allegedly work while receiving ERC; on the basis the tax records showed she was paying PAYE. Her case was thrown out of the Court when it was shown the PAYE recorded by IRD was a result of receiving ERC.

Significant in the Thomas investigation, Williscroft did not:-

- Investigate and determine date of injury
- Investigate and determine circumstance of injury
- Investigate and determine Thomas's pre-accident employment
- Investigate and determine Thomas's pre-accident income and tax status

These issues appear to have been first raised in the file memo by Dane Tui on 15th November 1999 (attached). No doubt this was referred back to Williscroft to shuffle the papers on the issue to cover up for his incompetence.

Williscroft and Cheetham could not see a fraud if it hit them in the face, and they have been bungling these investigation for over 10 years.

3. Accident Incident.

During my phone conversations with Mr Thomas in early 2007 I asked him how he had injured his wrist. He told me he had been sailing a 50 foot yacht single handed, the boat had been knocked down in a squall, and he had been swept overboard. He said he had managed to grab the Genoa sheet as he went over, after being dragged along behind for some time, he had pulled himself back aboard over the stern.

He told me this incident happened in the Waitamata Harbour. I asked him whereabouts in the harbour but he was unable to say. I told him that in 1989 I had a 36 foot yacht, moored at Westhaven. I asked for the name of the boat, and the owner but he then became evasive, and I haven't been able to get anything further from him on the matter.

The last boat I crewed on was 50 footer. In my opinion, unless it was a very heavy cruiser it would not be possible to sail a 50 foot boat single handed, and dam near impossible to pull yourself aboard on a rope over the stern. I have since discovered this alleged incident occurred on the 27th December 1989 while Mr Thomas was suffering from a hernia and waiting for an operation; thus making sailing the boat, and pulling himself aboard over the stern absolutely implausible.

Mr Thomas has steadfastly refused to disclose name the boat or the owner. A 50 foot yacht must be registered and it would be no problem to check the registration and owner for a named boat in 1989.

On ACCforum and on the original claim forms, Mr Thomas claims the incident happened in the Marlborough Sounds. Several people have contacted me and advised they too recall Mr Thomas telling them it happened on the Waitamata.

(i) Date of "alleged accident"

In his claim to ACC Mr Thomas alleges the accident to his right wrist, the injury that has incapacitated him for the past 18 years, occurred on the 27th December 1989.

- (a) A medical report dated 4th March 1997 refers to fracture to the right wrist in 1974.
- (b) There was, by Mr Thomas's own admission, no medical consultation on the 27th December 1989 for "alleged injuries" suffered on that date.
- (c) Mr Thomas was hospitalised in January 1990 for his hernia operation, and records show he received a steroid injection in his right arm for tennis elbow.
- (d) Mr Thomas would have visited the doctor many times during early 1990, but there appears no record reporting any problem with his wrist.
- (e) The first record of this injury is 10th October 1990 when Mr Thomas's doctor produced a medical certificate stating Mr Thomas was unable to work from 4th September 1990 due to the re-aggravation of an old wrist injury.

In hindsight, that an injury that has caused incapacity for the past 18 years went unreported through many doctors visit for 10 months is astounding. It appears that the moving the injury date to December 1989 may have been motivated by the fact that this was the only 12 month period in Mr Thomas's working career that he had any assessable income for ERC calculation purposes (PAYE from wages received from Trigon).

(ii) Employment status at time of alleged accident. (27th December 1989)

My recollection was that Mr Thomas was sacked from Trigon in about September 1989. I have put this to Mr Thomas, and he has confirmed his employment with Trigon terminated in October 1989, but denied he was sacked. I have sighted Mr Thomas's tax certificates, which showed in 1989 he was working for Trigon on wages and paying P.A.Y.E.

Mr Thomas has stated that while working at Trigon he suffered a hernia (re-occurrence of old injury?) in May 1989. Medical records confirm this, and he continued working on "light duties" until the termination of his employment in September / October 1989.

From October 1989 through to April 1990 it appears from records and Mr Thomas he was on ERC while waiting and recovering from his hernia operation, which occurred around January 1990.

Thus at the time of the "alleged accident" Mr Thomas was on ERC, his employment with Trigon having been terminated, on the 3rd of October 1989.

(iii) Self employment.

Mr Thomas repeatedly claims he was "self employed at the time of the "alleged accident", 27th December 1989. However the facts can be deduced as follows.

- Mr Thomas's employment with Trigon had been terminated.
- Mr Thomas was receiving ERC because he was not working, and awaiting an operation from his hernia.
- Mr Thomas was a P.A.Y.E. taxpayer during 1989.
- A self employed person pays IR5 tax, and the company owned by that person pays IR3 tax. There are no IR3/5 tax records for Mr. Thomas or his company. (instead there are PAYE records)
- A person receiving money for self employment and also working for wages must be on a special tax code, not PAYE.
- Mr Thomas's company Advanced Manufacturing Systems Ltd. was in liquidation in 1989, with KPMG acting as receivers.
- Mr Thomas was probably a bankrupt in 1989, so he could not own or run a company.

After searching through piles of documentation it appears that none of Mr. Thomas's companies ever filed returns to the Companies office, IRD or paid ACC levy.

Thus it must be concluded that at the time of the "alleged accident" Mr. Thomas was not, and could not be self employed

4. Entitlement to ERC

After reading the Thomas file, and the Judgments of Judge Morris, Judge Cadenhead and numerous judgements by Judge Beattie, one is left pondering the following points.

- (i) Obviously an injury has occurred to the right wrist, but has there been any “accident” incident?
- (ii) If there has been an injury as a result of an accident, then entitlement to ERC is taken from the time of the “accident” allegedly being 27th December 1989; **or** the time of “incapacity”, being March 1990.
- (iii) To establish entitlement to ERC one must be working at the time or the accident of time of incapacity. It appears, from tax records that Mr Thomas was not working on either date.
- (iv) If entitlement to ERC is established, then ERC is calculated on the claimant's earnings in the 12 months prior to the accident date. Mr Thomas's only earnings in 1989 would be those declare to IRD by Trigon Plastics, from which PAYE was deducted. From October 1989 Mr Thomas had been receiving ERC because he was no longer employed (by Trigon) and was awaiting surgery for a hernia.

Judge Cadenhead in his judgment 330/2004 of October 2004 assessed the situation as follows

- (35) *On 24th August 1992 a review hearing, in respect of an ERC decision, was heard. The officer issued the decision on 7 September 1992 allowing the review on the basis that the appellant was unable to work and therefore entitled to weekly compensation.”*

However, as Dane Tui in his file memo in 1999 notes, no consideration appears to have been given to Mr Thomas's employment status at the time of injury or incapacity. Furthermore, there appears to have been no audit of Mr Thomas's self claimed earnings against personal earnings declared to IRD for taxation purposes.

Mr Thomas received ERC for this injury by an administrative decision made by Mr Orange on 21 December 1990, overriding the decision of the case manager which had accepted the claim but had correctly determined Mr Thomas had no entitlement to ERC.

5. Security Issues.

When I first met Mr Thomas in 1985 or 86, his dominant and unique character was evident – to the extent he was only ever a work acquaintance, and recall having a good laugh at the report of his wife bankrupting him.

Early in 2007 I was using ACCforum for my research into the activities of Mr Williscroft and Paragon Risk, and contact was made with Mr Thomas. I then agreed to help Mr Thomas with his WINZ benefit problem he appeared to be having.

When I finally obtained from Mr Thomas the all details of circumstances and the benefits he wanted to obtain from WINZ, I told Thomas that, after referring back to my WINZ manual – he was not entitled. This made Thomas more determined, and he went into long discussions about how he could ‘re-label’ things to qualify, but more importantly, he wanted me to contact WINZ for him – to find out the names and locations of people making decisions with his case.

During this time he bought up the issues of bombing, and we jokingly talked about bomb making – until I realised that maybe this guy is not joking? He appeared to be motivated solely by getting revenge against ACC and WINZ. Mr Thomas knows that I am an industrial chemist, and have knowledge of such things, so to stop the conversations about bombing and bomb making I told him we could be charged for sedition if we continued talking about it.

Mr Thomas has also approached me about the issue isocyanate poisoning. As Mr Thomas knows, during the 1980's one of the activities I was engaged in was compiling all the safety data on the use of isocyanates, in relation to their hazards in use in industry, and subsequent diseases. Mr Thomas asked me for all the medical data on isocyanate poisoning and its effects, because he told me of his plans to lodge an ACC claim for a “work related gradual disease or process” I had long conversations with Mr Thomas about the issue of the long term effects of isocyanate exposure, and I understand during 2007 he went to the hospital to have the initial test and report the symptoms.

In August 2007 I received a call to go to Auckland to “baby-sit” Mr Thomas in his District Court Appeal hearing, as the person doing it suddenly had other business to attend to elsewhere. During this time I stayed in Thomas's flat. He frequently returned to the issue of revenge and bombing, including talking about a few people he was recruiting that would be useful.

He told me that when he was first charged with fraud he hatched a plan to hijack a petrol tanker and he was going to drive it in to the building at 450 Queen Street. Apparently ACC and Immigration NZ were located in this building. He went into great detail of the plans for this attack and also claimed Cheetham had an office located in this building. I asked him why he didn't do it – he said that he though, right up until the day judgement was passed, he was going to get off his fraud charges – and he was going to get revenge that way. He talked of not winning his current appeals, and of the inevitable suicide – but he wanted to do it taking out as many people as possible.

Thomas has also talked at great length about Johnny (Manu?)– the guy who stabbed Mrs Pike. He claims – if he can be believed – to have been involved with Johnny, and has talked about getting in contact with him again when he gets out of prison. He also talked about another lady he knew who tried to stab a case manager with scissors, and

there appears to have been another lady that the police can around and talked to him about. He talks with great delight how he was providing “guidance and motivation” for these people.

I have confronted him directly about the “untrue stuff” he posts on ACCforum. Thomas justified it as “conducting a social experiment”. He talked about how it is necessary to get people who were angry with ACC motivated and organised to take action against ACC; and to him that issue overrode any responsibility to tell the truth.

I no longer have anything to do with Mr. Thomas as I regard him as a devious, deranged and dangerous person. My only concern is the effect he has on vulnerable people he is attempting to recruit for his cause using ACCforum.